# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 1 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 213/13

If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 2 of 45

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

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Date: 2-5-13	Ceelwal
	Signature
	ERNIE CORDAN LING
	Timed Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as:
	(Title)
	(Corporate, Trust, Partnership or other entity)

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# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 3 of 45

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Date: 12.18.12 Signature Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Date: 12-18-12	Signature Signature
	JOHN S WEAR
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are acting as:
	(Title) of
	- $N/A$
	(Corporate, Trust, Partnership or other entity)
D	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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or to the in	risdi	the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit ction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons.
· C		etton of venue of the Court except for objections based on a defendable to the lawsuit
Summons (	ojr in	the service of the Notice in Lieu of Summons.
	1	I the Notice in Lieu of Summons.

Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

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# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 6 of 45

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5. I (or the entire	of of scivice.
to the entity on whose	Dehalf I am acting) with
or to the jurisdiction or venue of the	and acting) will retain all defenses or objections at
Suramone or in al	cehalf I am acting) will retain all defenses or objections to the lawsuitice in Lieu of Summons.
of the National Strate	tice in Lieu and discount of a defect in the Notice in Lieu
	the in Lieu of Summons.
	fice in Lieu of Summons.
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Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

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#### Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 7 of 45

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: January 3, 2013 Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) The White Trust dated November 6, 1990 (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 8 of 45

	11					
1	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA					
3 4	UNITED STATES OF AMERICA,	) )				
5	Plaintff	) )				
6	WALKER RIVER PAIUTE TRIBE, ) Plaintiff-Intervenor	) ) ) IN EQUITY NO. C-125				
7 8	vs.	SUBFILE NO. C-125-B				
9	WALKER RIVER IRRIGATION DISTRICT,	) )				
10	a corporation, et al.,					
11	Defendant					
12	Detendant					
13	NOTICE OF APPEARANCE AND	D INTENT TO PARTICIPATE				
14 15	1. I hereby enter my appearance in thi					
16	2. I am filing this document with the District Court at the following address:					
17 18 19 20	Chief Deputy Clerk United States District Court for th District of Nevada 400 South Virginia Street, Suite 3 Reno, Nevada 89501					
21	3. In the envelope provided for return	of my Waiver of Service of Notice in Lieu of				
22	Summons, I am mailing a copy of this document to	:				
23	Susan L. Schneider Attorney for the United States of	America				
24	Attorney for the United States of America United States Department of Justice					
25	Environment & Natural Resources 999 18 <sup>th</sup> Street, South Terrace - Su	ite 370				
6	Denver, Colorado 80202					
7						
8		·				
	NOTICE OF APPEARANCE AND INTENT TO	PARTICIPATE 1				

EXHIBIT 150

# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 9 of 45

]	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
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3	11.
4	5 161 ( 4)
5	represent me in these present in a Line is
6	address, telephone number, facsimile number, and a moil address.
. 7	Attorney:
. ,	Address:
9	
10	Phone Number:
11	Fax Number:
12	E-mail Address:
13	PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14	electronic filing procedures of the U.S. District Court for District of Nevada.
15	"Attorneys who are admitted to the bar of this court, admitted to participate in a case
16	pro hac vice, or who are authorized to represent the United States and its agencies, shall
17	the Clerk of the Court and by these Electronic Filing Procedures." IIS Diet Ct. D
18	Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
19	
20	(Signature)
21	Jeffor a white / Jeffrey A. White (Printed or typed Name)
22	(Printed or typed Name)
23	Trustee of the White Trust Lated November 6, 1990
24	(Entity, if any, on whose
25	behalf you are appearing)
26	380 Alabama Drive
27	Love Pine, Catif 93545 (Address)
	760 9765445
28	(Telephone number)
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

EXHIBIT 150

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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C		of the coun	except for obje	ctions based	onac	lefect in the	Notice in Lieu of
Summons of	in the service	of the Notice in	n Lieu of Summ	one /	100	/	-

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

## Case & 78-0v-90127-MMD-CSD Document 5 Filed 11/21/13 Page 12 of 45

INFORMATION

U.S DEPT. OF JUSTICE WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12 16 12	Signature Wooduk
¥	Alison Wood worth
, i.e.	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are acting as:
5 F S	(Title)
Sa a sa sa	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

## Case 3:73-cv-06127-MMD-CSD Document 5 Filed 11/21/13 Page 13 of 45

#### U.S DEPT. OF JUSTICE ENV. & NAT. RES. DIV. WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS 2012 DEC 20 PM 4: 29

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-16-2012

Signature Sive D. Woodworth Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

Ca	Case 3:73-cv-00127-RCJ-WGC Document 1776 Filed 12/18/12 Page 1 of 2 ase 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 14 of 45				
1	FOR THE DISTRICT OF SERVED ON				
3 4 5	Plaintff				
7	Plaintiff-Intervenor ) IN EQUITY NO. C-125				
8	vs. SUBFILE NO. C-125-B				
9	WALKER RIVER IRRIGATION DISTRICT,				
10	a corporation, et al.,				
11	Defendant )				
12	, , , , , , , , , , , , , , , , , , , ,				
13	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE				
14	The state of the s				
15	appearance in this sub-proceeding in this case.				
16	2. I am filing this document with the District Court at the following address:				
17	Chief Deputy Clerk United States District Court for the				
18	United States District Court for the District of Nevada				
19	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
20					
21	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:				
22	Susan L. Schneider				
23	Attorney for the United States of America				
24	United States Department of Justice Environment & Natural Resources Division				
25	999 18 <sup>th</sup> Street, South Terrace - Suite 370 Denver, Colorado 80202				
26					
27					
28					
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 1				
	EXHIBIT 154				

# Case 3:73-CV-00127-MMD-CSD Document 1776 Filed 12/18/12 Page 2 of 2 Document 5 Filed 11/21/13 Page 15 of 45

- 1	
1	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
	represent me in these proceedings, I identify that attorney below, along with his or her mailing
5	address, telephone number, facsimile number, and e-mail address:
6	Attorney:
7	Address:
8	
9	
10	Phone Number:
11	Fax Number:
12	E-mail Address:
13	PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14	electronic filing procedures of the U.S. District Court for District of Nevada.
15	"Attorneys who are admitted to the bar of this court, admitted to participate in a case
16	pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by
17	the Clerk of the Court and by these Electronic Filing Procedures. U.S. Dist. Ct., Di
18	Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
19	(Signature)
20	Bruce D. Woopworth
21	(Printed or typed Name)
22	
23	
24	(Entity, if any, on whose behalf you are appearing)
25	824 Burchan FLAT RO
26	Coleville Ct 96107
27	(Address) 530-402-6422
28	(Telephone number)
70.5	2

Case 3:73-cv-00127-RCJ-WGC Document 18452 Fited ( Case 3:73-cv-00127-MMD-CSD Document 3 Filed 119

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125. Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

✓ Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: Tourtees David Abel and Julia Steinberg Revocable Trust (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

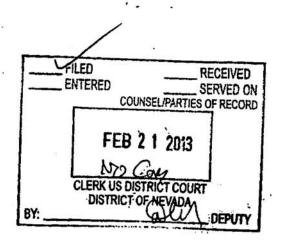
Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

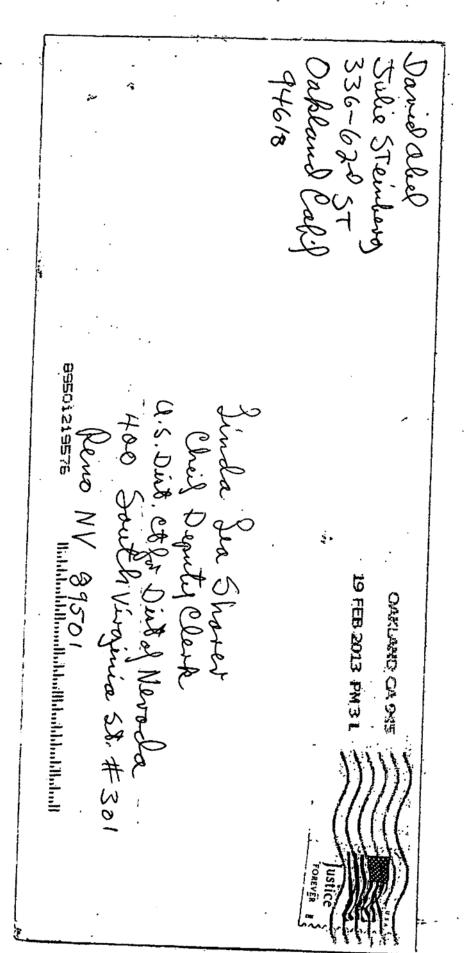
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Please Note Hotelements were here documents were here in error to us. Our understanding is that the property is not reparain to the creek, and is boxedered by the Humawill irrigation ditch only. Would appreciate natice of visient of this.

Thanksau

Darn Chel





#### Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 19 of 45

Please be informed that
Robert & Susan amos own
Sacres and Sadares of
water rights
marians, + Derry own 5
You sent 2 copys to Marian
Think you
Lisan ames
530, 495-2970

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1/8/2013		Signature Att	
		Printed/Typed Name If you are acting on behalf of any entity, identify that y	
Sa a	** 190 to 18	acting as:(Title)	of
	¥.	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 21 of 45

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

7 - 200 March 104 105 105 105 105 105 105 105 105 105 105	
5. I (or the entity on whose behalf I am acting) will retain or to the jurisdiction or venue of the Court except for all in the court except f	manager and the second
and all it is a whose behalf I am acting) will retain	all defenses or objections to the laws.
or to the jurisdiction or venue of the Court except for objections be Summons or in the service of the Notice in Lieu of Summons.	ased on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	The Motice in Lieu of
Totale in Lieu of Summons.	

If you are acting on behalf of any entity, identify that you are

acting as:

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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. Cas	e 3:73-cv-00127-RCJ-WGC Document 1	813 Filed 01/1/1/13 Page 1 of 4
Case 3:7	B-cv-00127-MMD-CSD Docume	ent 5 Filed 1/1/13 Page 22 celes
		ENTERED SERVED OF
į	.,	COUNSEL/PARTIES OF RECOR
14		
1		JAN 1 1 2013
. 2		
2		CLERK US DISTRICT COURT
. 3	IN THE UNITED STAT	ES DISTRICT COURTISTRICT OF NEVADA
	FOR THE DISTR	ICT OF NEWADA DEPUTY
4	t ext	
5	UNITED STATES OF AMERICA, )	
	)	
6	Plaintiff, ).	In Equity No. C-125-ECR
	)	Subfile No. C-125-B
7	WALKER RIVER PAIUTE TRIBE, )	
8	)	DISCLAIMER OF INTEREST IN
, ,	Plaintiff-Intervenor, )	WATER RIGHTS AND NOTICE OF
9	)	RELATED INFORMATION AND
	v. )	DOCUMENTATION SUPPORTING
10	}	DISCLAIMER
11	WALKER RIVER IRRIGATION )	
	DISTRICT, )	
12	a corporation, et al.,	
. 13	Defendants.)	
14		
15		1
	The undersigned counter-defendant in the	above action hereby notifies the Court and the
1,6	United States that the undersigned (or the entity	on whose behalf the undersigned is acting) has
. 17.		9
	no interest in any water right within the categori	ies set forth in Paragraph 3 of the Case
18	0 1 (1 10 0000) 1.0 0	31-1-1-1
19	Management Order (Apr. 18, 2000) and, therefore	ore, disciaims all interest in this action.
. 19	This disclaimer and notice shall be sent to	the following two persons:
20		
F1.0494,4672	Linda Lea Sharer, Chief Deputy	Clerk
21	United States District Court for t	
.22	400 South Virginia Street, Suite	
	Reno, NV 89501	
23	The Act to Administration of the Act to Act	- B
	And	t :
. 24	l	Susan L. Schneider
. 25	Susan L. Schneider	United States Department of Justice
	United States Department of Just	
26	P.O. Box 756	South Terrace - Suite 370
	Littleton, CO 80160	Denver, CO 80202
. 27	In addition, because the undersigned sold	or otherwise conveyed ownership of all of the
28	and and an arrangement and arrangement and	
# VERSEE		
ř	DISCLAIMER OF WATER RIGHTS AND NOTICE	OF RELATED INFORMATION, page 1 of 4

1	e de " e en e
	water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
	owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
	owned before the undersigned was served with a wader igned provides the following
3	Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4	additional information:
5	1. The name and address of the party or parties who sold or otherwise conveyed
6	1. The name and address of the party or parties who sold or otherwise conveyed ownership:  Name(s):  Street or P.O. Box:
7	Name(s):
8	Ine 15
9	Street or P.O. Box:
L.O	Pive
11	Town or City:
12	NO1
13	State:
14	An 1:7Ch
1	Zip Code:
1	2. The name and address of each person or entity who acquired ownership
1	
1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
1	9 Name(s):
2	of the Pi
2	Street or P.O. Box:
2	22
:	Town or City:
	24
	25
	State: 26
	27
	Zip Code:
	THE OF MATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

Case 3:73	3:73-cv-00127-RCJ-WGC Document 1813 Filed 01/11/13 Page 3 of 4 B-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 24 of 45
. 1	
2	3. Attached to or included with this notice is a copy of the (check appropriate
. 4	box(es)):
5	□ Decd
7	Court Order  Other Document.
8	*****
10	by which the change in ownership was accomplished.  4. The undersigned acknowledges that any person or entity who files a Disclaimer
11   12	of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 14	the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15	this litigation.
16 17	Executed this
18	
19 20	
21	[signature of counter-defendant]
22	
· 24	Antelope valley
. 26	[name of counter-defendant]
. 25	
• •	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

n		**************************************
l	÷	577 ·
1 2		Stacey Simon Asst. County Counsel For Mono County
3.	•°	[name, if applicable, of person acting on
4		behalf of counter-defendant]
5.	ill o	Warrest
6		A P
7		[signature, if applicable, of person acting on
8		behalf of Counter-Defendant]
. 9	Coundy:	Fire District:
10	7.0. Box 2415	1166 Larson Lane
.11	Mammoth Lakes, CA	
12		Coleville, CA 96107
	93546	
13		a i sa i jaa
. 14		
15		[address]
16	7.2 02.1 1-2	530-495-2900
17	760-924-1700	220- 412 0 100
18		[telephone number]
19		S .
20		*
21		
22		E ES
23		a
24	k∭ karaya e	
25	5	,
2	<b>N</b>	

THE PARTY DIGUES AND NOTICE OF RELATED INFORMATION, page 4 of 4

28

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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Printed/Typed Name	Gary Auch berry deceased
If you are acting on behalf of any e acting as:	ntity, identify that you are
(Title)	- Oi
(Corporate, Trust, Partnership or	other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

**EXHIBIT 161** 

#### Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 28 of 45

I (or the entity on whose behalf I am acting) will retain all defenses or objections 1 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 2 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 If I (or the entity on whose behalf I am acting) have retained an attorney to 5. 4 represent me in these proceedings, I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 Attorney: 7 Address: 8 9 10 Phone Number: 11 Fax Number: 12 E-mail Address: 13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. 14 15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall 16 register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. 17 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C. 18 19 (Signature) 20 21 (Printed or typed Name) 22 23 (Entity, if any, on whose 24 behalf you are appearing) 25 26 Address) 27

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

28

2

(Telephone number)

# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 29 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 01-29-2013 Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

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EXHIBIT 163

# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 31 of 45

	<b>II</b>
	1 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
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11	Fax Number:
12	E-mail Address:
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14	PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.
15	"Attorneys who are admitted to the bar of this count at the same of
16	
17	the Clerk of the Court and by these Electronic Eiling Popular in the form prescribed by
18	1 mig 1 locedures (lev. Aug. 24, 2006) at I.C.
19	Niere Rauelolany
20	(Signature)
21	Nicole R. Auchoberry
22	(Printed or typed Name)
23	
24	(Entity, if any, on whose
25	behalf you are appearing)
26	
27	
- 11	(Address)
28	(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

EXHIBIT 163

Case 3:73-cv-00127-RCJ-WGC Document 1794 Filed 12	2/28/12 Page 1 of 5
Case 3:73-cv-00127-MMD-CSD Document 5 Filed	11/21/13 Page 32 RECEIVED
	ENTERED SERVED ON COUNSELPARTIES OF RECORD
WAIVER OF SERVICE OF NOTICE IN LIEU TO: Susan I. Schneider attender for the state of the state o	COURSEDIARTIES OF
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	CLERK US DISTRICT COURT
1. I acknowledge receipt of your request that I waive service of the action of United States v. Walker River Irrigation District, which is	
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and I may use the same envelope provided for return of the waiver of	, altorney for the United States,
5. I (or the entity on when I is an	·C.
or to the jurisdiction or venue of the Court except for objections based on a Summons or in the service of the Notice in Lieu of Summons.	es or objections to the lawsuit
Summons or in the service of the Notice in Lieu of Summons.	defect in the Notice in Lieu of
95 CK 11	
Date: 12/24/12 Signature	
Brad Bonfiglio	
Printed/Typed Name	
If you are acting on behalf of an acting as:	Wenting identify a
acting as:	
(Title)	of
(Corporate Taxa P	<del></del>
(Corporate, Trust, Partnership	or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 4 UNITED STATES OF AMERICA, 5 In Equity No. C-125-ECR Plaintiff, Subfile No. C-125-B 6 WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN WATER RIGHTS AND NOTICE OF Plaintiff-Intervenor, 8 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 9 DISCLAIMER 10 WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 Defendants. 13 14 The undersigned counter-defendant in the above action hereby notifies the Court and the 15 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 16 no interest in any water right within the categories set forth in Paragraph 3 of the Case 17 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 18 This disclaimer and notice shall be sent to the following two persons: 19 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 22 Reno, NV 89501 23 And Susan L. Schneider United States Department of Justice 24 Susan L. Schneider 999 18th Street United States Department of Justice 25 South Terrace - Suite 370 P.O. Box 756 Denver, CO 80202 26 Littleton, CO 80160 In addition, because the undersigned sold or otherwise conveyed ownership of all of the 27 28 WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

# Case 3:73-cv-00127-RCJ-WGC Document 1794 Filed 12/28/12 Page 3 of 5 Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 34 of 45

1	water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2	owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3	Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4	additional information:
5	1. The name and address of the party or parties who sold or otherwise conveyed
6	ownership:
7	Name(s):
8	
9	Street or P.O. Box:
.0	
11	NOT ON RIVER
12	TOWN OF City: NOT ON RIVER  IRRIGATION DITCH RUNS THRU  State: PRORERTY; HAVE NO WATER RIGHTS
13	PRORERTY: HAVE NO WATER RIGHTS
L4	State: 17
15	Zip Code: BRAD BONFIGLIO PO BOX 76 TOPAZ 96/33
16	2. The name and address of each person or entity who acquired ownership
17	
18	Name(s):
19.	
20	101
21	Street or P.O. Box:
22	
	Town or City:
24 25	
26	State:
27	
28	Zip Code:
.0	

1	
2	<ol> <li>Attached to or included with this notice is a copy of the (check appropriate</li> </ol>
3	
4	box(es)):
5	1
6	Deced
7	Court Order
8	Other Document.
9	
10	by which the change in ownership was accomplished.
	The undersigned acknowledges that any person of charge
1,1	and the matter is ultimately responsible for the accuracy of the
••	a longitudes that any person or entity who files a Discialifier of interest,
13	in fact has water rights subject to this litigation, shall nevertheless be bound by the results of
14	this litication.
1:	
1	Executed this 2/ day of DEC 20 20
	4
1	B DICHTS
1	HAVE NO WATER RIGHTS
2	:0
2	[signature of counter-defendant]
:	$\mathcal{L}^{2}$
	23 Deal for /
	24
	[name of counter-defendant]
	26
	27
•	28
•	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of

3. [name, if applicable, of person acting on behalf of counter-defendant] [signature, if applicable, of person acting on behalf of Counter-Defendant] .11 [address] Brad Bonfiglio Po Box 76 Topaz, CA 96133 [telephone number] 115-150-0538 DO NOT LIVE ON RIVER HAVE NO WATER RIGHTS 

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

Case 3:73 ov 00127 DOLLMOO D
Case 3:73-cv-00127-RCJ-WGC Document 1793 Filed 12/28/12 Page 1 of 5 Case 3:73-cv-00127-MMD-CSD Document 5 Filed 12/28/12 Page 37 of 45
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WAIVER OF SERVICE OF NOTICE IN LIEU OF STREET
WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS TO: Susan L. Schneider attorney for the University of t
states of Amerida
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APPEARANCE AND INTENT TO BARTION 15, 2000, two copies of a NOTICE OF
INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument GWANGES IN OWNERSHIP OF
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APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States,
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Summons or in the service of the Notice in Lieu of Summons.
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Date: 12-21-12 Signature Signature
Susan Bantalia
Printed/Typed Name
If you are acting on behalf of any entity, identify that you are
of
(Title)
(Cornerate Trust Per
(Corporate, Trust, Partnership or other entity)
Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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4	additional information:
5	
6	1. The name and address of the party or parties who sold or otherwise conveyed
. 7	ownership:
8	Name(s):
9	Street or P.O. Box:
1.0	
11	Town or City: NOT ON RIVER
12	IRRIGATION DITCH RUNS THE
13	IRRIGATION DITCH RUNS THRU STATE: PROPERTY; HAVE NO WATER RIGH
14	State: PROPERTY, THE ME WATER RIGH
15	Zip Code: PO: BOX 76 TOPAZ 96133
16	Zip Code: PO BOX 76 TOPAZ 96133
17	2. The name and address of each person or entity who acquired ownership
18	
19.	Name(s):
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	Street or P.O. Box:
22	
23	Town or City:
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25	State:
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	DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4

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[name, if applicable, of person acting on behalf of counter-defendant]

[signature, if applicable, of person acting on behalf of Counter-Defendant]

[address]

Susan Bonfiglio P.O Box 76 Topaz, CA 96/33

[telephone number]

115-750-1192

DO NOT LIVE ON RIVER HAVE NO WATER RIGHTS

NOTICE OF BUILTING INTORNATION, DAGE 4 of

# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 42 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Borda Family Limited Par (Corporate, Trust, Partnership or other entity

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# Case 3:73-cv-00127-MMD-CSD Document 5 Filed 11/21/13 Page 43 of 45 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA, Plaintff WALKER RIVER PAIUTE TRIBE, ) Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor Plaintiff-Intervenor

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

# WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al.,

VS.

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Defendant

#### NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

- 1. I hereby enter my appearance in this sub-proceeding in this case.
- 2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:

Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 999 18<sup>th</sup> Street, South Terrace - Suite 370 Denver, Colorado 80202

#### NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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- 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
- 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney: John Gavin Address: 177 E. 7th St Carson City NV 89701

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Phone Number: 775 - 882 - 4766 Fax Number: 775 - 882 - 5680

E-mail Address: john@jgreatty-law.com

<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

(Printed of typed Name)

Toyce M. Gavin

Borda Family Limited Partnership

(Entity, if any, on whose behalf you are appearing)

1432 Ezell St. Gardnerville NV 89418 (Address) 775-246-7311

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 01 JAN 2013

Walter R. Briggs / Linda C. Briggs WALTER R. BRIGGS/Linda C. Briggs Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: TRUSTEES RIGGS LIVING TRUST 02-18-10" (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

EXHIBIT 170